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To: 'Microsoft.atr(a)usdoj.gov'
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Subject: Microsoft Settlement

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Thank you for posting the settlement information on <http://www.usdoj.gov/atr/cases/ms-settle.htm>.

I do appreciate this act of openness by the government's DOJ. It does facilitate some degree of hope!

I just wish the rest of my reaction could have retained that happy, hopeful note.

As I read the settlement, I couldn't help but feel betrayed, cheated and dismayed by the real terms. Where's the pain of penalty? Where's any strenght in oversight? What is the real structural changes expected to occur and how will they be ensured to occur? It's toothless, clawless, and simpering in tone.

The DOJ terms of settlement with Microsoft are incredibly weak and shortsighted, and show and incredible lack of concern for the consumer. It obviously yields a big ZERO value to the consumer and seems to ensure Microsoft's continued dominance. You are giving us a bandaid when our collective arms have been twisted and broken, and kneecaps kicked in by Bill Gates and cohorts.

There is no dollar amount penalty assessed against the richest company and richest man in the world for years of monopolistic and predatory practices, nothing against a company known for earning billions and also known for paying zero federal taxes. Their 'taxfree' dollars were being spent on the teams of lawyers that chewed up the DOJ up like candy. It really makes me angry to see the DOJ applying a few baby teeth to the armored and muscled 90000 pound Godzilla that is Microsoft is. In fact, the settlement appears to make things safer for Microsoft rather than show them there's a price to pay for behaving in a monopolistic manner for decades. IBM should have had such a deal!

The DOJ did not impose a single dollar amount penalty against this company which has billions of dollars in assets, greater than many 2nd world countries.

It did not stop Windows XP and require unbundling of products that supplanted dozens of competitor software maker's products. Microsoft tends to redefine any company making a profit selling something that runs on Windows as a competitor and try to grab their market with a low ball or free Microsoft alternative (that quickly becomes a standard). Remember Netscape? Not in the settlement.

It did not stop Microsoft from excluding Java from XP and the newest versions of it's Internet Explorer. For 8 years, Java has been the glue of the open world of the interative web...now it's tossed aside in favor of Microsoft's insecure and proprietary ActiveX products and .NET. Microsoft can bald face declare Java as insecure without challenge. It can change Windows and other software delivery timetables to make sure that Java isn't available. Remember Netscape? Not in the settlement.

It doesn't make user security something that MUST be improved by Microsoft...every week seems to bring out more flaws allowing the consumer's wallet to be picked by the electronic thieves using the internet. If there was any true competition, Microsoft would have to fix these flaws and fast! Digital Research had DR DOS which Microsoft worked hard to eliminate, and that was buried in some weak settlement. You know Microsoft operates like pirates, and yet the settlement doesn't seem to demand anything back to the consumers who tried to use DR DOS and Windows 3.1 and who eventually had no other choices. You leave us captive on the Microsoft pirate ship, and they have their hands in our pockets.

There are no rebates to the consumer for operating system software known for it's 'blue screen of death' and shoddy customer service (all problems solved by reinstall windows and rebooting or upgrading for hundreds of dollars). There are countless stories of people losing their data and functionality as Windows corrupts the data and itself. We have no recourse. The EULA says we can only get up to \$5 or a new CD from Microsoft if try to see any recompense for a misperforming \$600 Windows product. There EULA actually states their software isn't guaranteed to do anything useful although their marketing constantly stress ease of use, productivity and usefulness.

No compensation to dozens of companies crushed by Microsoft, or bought out and folded, on it's way to global domination.

No compensation to the truly innovative companies like Borland, who had it's top development staff lured away with millions dangled before them. If a company dares to make something competitive with Microsoft, Microsoft tries to steal their developers, and set up obstacles to the companies success, invoke legal actions, anything but compete fairly and openly.

No inquiry into it's use of stock options to hide wealth from taxation, pay off all sorts of parties, and how hard they work to keep the value propped up without really delivering true improvements to consumers.

Real security comes from peer review by real experts in the open market. No opportunity for this is created since whenever Microsoft can show a security concern, it can hide it's software or bring legal action against anyone trying to understand how it works. The settlement gives Microsoft further protections in this! Where's the penalty? I see them benefited!

No requirement to fully open the Windows software APIs and source code to all developers who would dearly love to provide more innovation and variety and improved functionality to our free markets. Microsoft is a defacto standard but can protect it's products from competition by continuing to shield it's inner workings from other competition. Many competitors products stop working whenever a 'patch' is provided but Microsoft's own products don't seem to snagged like that, but gain market share every time this occurs, since nobody wants software that will break when a new security

patch is needed. Microsoft only grants access to the inner workings by requiring the viewer of source code to sign documents that cause an agreement to never write anything that competes with Microsoft products, and may not reveal anything viewed.

No penalties assessed to Microsoft or compensation awarded to PC manufacturers for the contracts restricting them from what they could distribute. No punishment to Microsoft or compensation to web ISPs where Microsoft is forcing them to adopt their software as standards.

No support for developers and software firms who would dearly like to innovate but are shut out by Microsoft's closed approach to partnering and development, worse they are often steamrolled by Microsoft who pretends to show interest in supporting a developer's product until they can use their R&D to produce their own replacement. Their goal is to take every profitable market which PCs have, through other companies products, helped generate, and then to take all the credit for it.

There needs to be requirements of Microsoft that all its products will begin to and continue to adhere to international computing standards instead of innovating their own private world of interfaces that only works with Microsoft products. The cost to the international and national businesses of having to constantly rewrite and upgrade in order to meet Microsoft's latest 'industry standard' is in the billions annually. NO business application I've written using Microsoft tools 3 years ago will work without being rewritten today. Businesses are bearing an incredible burden trying to keep up with Microsoft's pace of technology change, and being forced to constantly rewrite the same business critical software for each new version. This lack of stability is a cost nowhere addressed or calculated. Any IT manager can tell you that the cost of supporting a PC on a workstation desk amounts to thousands of dollars a year, adding critical inhouse business applications can triple that. Microsoft uses planned obsolescence to assure a constant need for developers to rewrite, for new license purchases, and new more powerful PCs to be purchased.

The government should be pressing Microsoft to fully cooperate with the Open Source groups and to open their systems. Closed systems offered by Microsoft are far more expensive than consumers realize, especially as free products steadily evolve into for fee products and then into monthly service fees. With .NET Microsoft is trying to move all Windows consumers to a subscription basis through MSN. Our rights as consumers have been reduced by every legal innovation in their EULA - software licenses, and further reduced by DCMA and UCITA. Now Microsoft and its third party affiliates remand to themselves the right to shut down the PC of Americans where they believe some violation of their license terms might be occurring...no due process, no right to appeal, it's just shut down and 'deactivated'. Where was our Justice department when these changes occurred in Microsoft licensing? **YOU MUST MONITOR THEIR EULA AGREEMENTS.** They basically are giving themselves rights to our wallets and any information we have on our

PCs and any consumer data collected by them or their affiliates (which they hope will be all business and governmental bodies). Why are you not protecting our right to privacy, our rights to control our own information, our rights to fair use of copyrighted material? You give this all to Microsoft without a fight.

Now Microsoft is trying to contain free speech about its security weaknesses by restricting the conversation to only special privileged groups. What is the DOJ going to do about that? Consumers and businesses will have no idea whether or even if they lost control over their own wallets due to a security weakness known to Microsoft to terrorist groups or electronic crooks, or perhaps to political action groups favoring Microsoft's lobbying causes.

Microsoft is seeking to control access to the information and services on the internet through the MSN portals and requiring Windows XP users to go through this using Passport, Hotmail, etc. Where is the DOJ on this? No penalty. No inquiry. See no evil, hear no evil, say no evil. Your settlement with Microsoft befits the three legendary monkeys.

Microsoft never improves the software already installed by making it faster, smaller, more efficient, or more reliable. They just pile on features, require more upgrades, require hardware upgrades, replace competitor packages with their own, make it require a bigger PC, which triggers more purchases of new Microsoft products, and continues the constant annual extraction of billions of dollars from American and world consumers. Now they try to move us to subscription basis, and consumers can't figure out how to stop this madness!

I had hoped Republican leadership and constitutional conservatism would have meant real respect for constitutional rights of citizens and American freedoms of choice, advocating legal action which opens markets, supports free trade, and keeps the markets open to all American and world innovators. Instead, I see capitulation to THE CORPORATION, weakness, and the moral fiber of jello. You now seem to be the big corporation's department of justice, not The People's. Your settlement is encouraging Microsoft to continue its dominance indefinitely. You apparently can't stand up to the biggest software bully in the world on behalf of your fellow American citizens or the world community. The DOJ staff were allowed to shrivel, to become so overworked, and so tired that they couldn't fight anymore. The DOJ was allowed to be bullied about and shaken down by Microsoft lawyers. The DOJ doesn't stand for much now, and to the world our DOJ looks like it's owned by Bill Gates. So many complain that people don't respect government anymore...I see it as government has obviously failed to retain that trust and respect, and I imagine Microsoft is secretly laughing at the DOJ as well. It has publically revealed its arrogance against the DOJ and attempted to deceive courts and subvert process. So to me, this deal looks way too sweet and easy on the single biggest company on the face of the earth, and vindicates their hard nosed, never yielding resistance and

antagonism to our laws.

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